

Message Text

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TO SECSTATE WASHDC 9853

INFO AMCONSUL BELFAST

AMEMBASSY DUBLIN

UNCLAS SECTION 01 OF 04 LONDON 03317

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TAGS: PGOV, UK

SUBJECT: NORTHERN IRELAND WHITE PAPER

SUMMARY: LONG AWAITED WHITE PAPER PROVIDING GOVT' S
CONSTITUTIONAL PROPOSALS FOR NORTHERN IRELAND WAS ISSUED
MARCH 20. COMMENT: THE GOVT' S PROPOSALS DO NOT APPEAR
TO CONTAIN ANY MAJOR SURPRISES. END SUMMARY.

1. EXTRACTS FROM A SUMMARY AND CONCLUSION SECTION OF
THE PAPER FOLLOW:

(I) A COMPREHENSIVE CONSTITUTIONAL BILL WILL BE
PRESENTED TO PARLIAMENT WITH THE OBJECTIVE OF BRINGING
NEW PERMANENT ARRANGEMENTS FOR THE GOVERNMENT OF
NORTHERN IRELAND INTO EFFECT WITHIN THE SECOND YEAR OF
THE DIRECT RULE PROVISIONS OF THE NORTHERN IRELAND
(TEMPORARY PROVISIONS) ACT.

(II) THE BILL WILL DECLARE THAT NORTHERN IRELAND
WILL REMAIN PART OF THE UNITED KINGDOM FOR AS LONG AS
THAT IS THE WISH OF A MAJORITY OF ITS PEOPLE.

(III) AS PART OF THE UNITED KINGDOM, NORTHERN

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IRELAND WILL MAINTAIN ITS EXISTING REPRESENTATION OF TWELVE MEMBERS IN THE UNITED KINGDOM PARLIAMENT.

(IV) THERE WILL BE A NORTHERN IRELAND ASSEMBLY OF ABOUT 80 MEMBERS ELECTED ON THIS OCCASION BY THE SINGLE TRANSFERABLE VOTE METHOD OF PROPORTIONAL REPRESENTATION APPLIED TO THE TWELVE WESTMINSTER CONSTITUENCIES.

(V) ELECTIONS TO THE ASSEMBLY WILL BE HELD AS SOON AS POSSIBLE.

(VI) THE ASSEMBLY WILL HAVE A FIXED TERM OF FOUR YEARS.

(VII) THE ASSEMBLY ITSELF WILL ELECT ITS PRESIDING OFFICER AND WORK OUT ITS OWN DETAILED METHODS AND PROCEDURES.

(VIII) THERE WILL BE COMMITTEES OF THE ASSEMBLY, WHOSE MEMBERS WILL REFLECT THE BALANCE OF PARTIES, ASSOCIATED WITH EACH NORTHERN IRELAND DEPARTMENT. THE CHAIRMEN OF THESE COMMITTEES WHO COLLECTIVELY WILL FORM THE EXECUTIVE WILL BE THE POLITICAL HEADS OF THE DEPARTMENTS AND THE COMMITTEES WILL BE ASSOCIATED WITH THE DEVELOPMENT OF NEW LAW AND POLICY.

(IX) BETWEEN THE ELECTION OF THE ASSEMBLY AND A DEVOLUTION OF POWERS THE ADVISORY FUNCTIONS OF THE NORTHERN IRELAND COMMISSION WILL BE UNDERTAKEN BY A COMMITTEE COMPOSED OF MEMBERS OF THE ASSEMBLY.

(X) THERE WILL CONTINUE TO BE A SECRETARY OF STATE FOR NORTHERN IRELAND WHO WILL BE A MEMBER OF THE UNITED KINGDOM CABINET. HE WILL UNDERTAKE THE NECESSARY CONSULTATION LEADING TO THE DEVOLUTION OF POWERS, ADMINISTER CERTAIN SERVICES RESERVED TO THE UNITED KINGDOM GOVERNMENT AND BE RESPONSIBLE FOR UNITED KINGDOM INTERESTS IN NORTHERN IRELAND.

(XI) THE PURPOSE OF THE SECRETARY OF STATE'S CONSULTATIONS WITH PARTIES IN THE ASSEMBLY WILL BE TO FIND AN ACCEPTABLE BASIS FOR THE DEVOLUTION OF POWERS
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WHICH WILL MEET PRESCRIBED CONDITIONS, IN PARTICULAR AS

TO THE FORMATION OF AN EXECUTIVE WHICH CAN NO LONGER BE SOLELY BASED UPON ANY SINGLE PARTY, IF THAT PARTY DRAWS ITS SUPPORT AND ITS ELECTED REPRESENTATION VIRTUALLY ENTIRELY FROM ONLY ONE SECTION OF A DIVIDED COMMUNITY. MEMBERS OF THE EXECUTIVE WILL BE REQUIRED TO TAKE AN APPROPRIATE OFFICIAL OATH OR MAKE AN AFFIRMATION.

(XXII) THE UNITED KINGDOM PARLIAMENT WILL CONTINUE

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TO HAVE THE POWER TO LEGISLATE IN RESPECT OF ANY MATTER WHATEVER IN NORTHERN IRELAND.

(XIII) THE ASSEMBLY, AFTER A DEVOLUTION OF POWERS, WILL BE ABLE TO LEGISLATE IN RESPECT OF MOST MATTERS AFFECTING NORTHERN IRELAND. THERE WILL, HOWEVER, BE A LIMITED RANGE OF MATTERS ON WHICH IT MAY LEGISLATE ONLY WITH AGREEMENT AND CERTAIN OTHERS WHICH, BECAUSE OF THEIR NATIONAL IMPORTANCE, WILL BE EXCLUDED FROM ITS LEGISLATIVE COMPETENCE.

(XV) SINCE THE GOVERNMENT HAS NO HIGHER PRIORITY THAN TO DEFEAT TERRORISM AND END VIOLENCE, PARLIAENT WILL BE ASKED TO APPROVE SPECIFIC EMERGENCYLEGISLATION FOR THE MORE EFFECTIVE COMBATTING OF TERRORISM, INCLUDING

GIVING EFFECT TO THE RECOMMENDATIONS OF THE REPORT OF THE DIPLOCK COMMISSION. THIS WILL MAKE POSSIBLE THE REPEAL OF THE SPECIAL POWERS ACT AND THE RE- ENACTMENT BY THE UNITED KINGDOM PARLIAMENT OF THOSE PROVISIONS WHICH ARE REGARDED AS ESSENTIAL.

(XVI) THE CONSTITUTIONAL BILL WILL DEBAR THE ASSEMBLY FROM PASSING LEGISLATION OF A DISCRIMINATORY NATURE AND FROM LEGISLATING TO REQUIRE AN OATH OR DECLARATION AS A QUALIFICATION FOR EMPLOYMENT, OFFICE, UNCLASSIFIED

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ETC., WHERE THIS IS NOT REQUIRED IN COMPARABLE CIRCUMSTANCES IN THE REST OF THE UNITED KINGDOM.

(XVII) THE BILL WILL PROVIDE FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS IN NORTHERN IRELAND ON THE FOLLOWING BROAD BASIS:

(A) IN GENERAL UNITED KINGDOM MINISTERS OTHER THAN THE SECRETARY OF STATE WILL RETAIN THEIR EXISTING RESPONSIBILITIES IN RELATION TO NORTHERN IRELAND;

(B) CERTAIN MATTERS PREVIOUSLY THE RESPONSIBILITY OF THE NORTHERN IRELAND GOVERNMENT WILL BE PERMANENTLY RESERVED TO THE UNITED KINGDOM GOVERNMENT (THAT IS, THE APPOINTMENT OF CERTAIN JUDGES, MAGISTRATES, ETC.; THE CONDUCT OF PUBLIC PROSECUTIONS; ELECTIONS AND THE FRANCHISE; AND EXCEPTIONAL MEASURES IN THE LAW AND ORDER FIELD TO COPE WITH EMERGENCY SITUATIONS);

(C) CERTAIN OTHER MATTERS, NOTABLY IN THE " LAW AND ORDER" FIELD, WILL BE RESERVED TO THE UNITED KINGDOM GOVERNMENT BECAUSE OF THE CURRENT SECURITY SITUATION;

(D) RESPONSIBILITY FOR ALL OTHER MATTERS WILL REST WITH THE NORTHERN IRELAND EXECUTIVE.

(XVIII) THE EXECUTIVE OF NORTHERN IRELAND WILL CONSIST OF THE POLITICAL HEADS OF NORTHERN IRELAND DEPARTMENTS. THEIR FORMAL APPOINTMENT WILL BE EFFECTED BY THE SECRETARY OF STATE IN ACCORDANCE WITH ANY AGREED UNDERSTANDING AS TO THE FORMATION OF THE EXECUTIVE.

(XX) THE CONSTITUTIONAL BILL WILL FORBID EXECUTIVE ACTION OF A DISCRIMINATORY NATURE BY CENTRAL AND LOCAL GOVERNMENT AND OTHER PUBLIC BODIES.

(XXI) THERE WILL BE NO WEAKENING WHATEVER IN

NORTHERN IRELAND' S LINKS WITH THE CROWN. WHERE EXECUTIVE
POWER IS NOT DEVOLVED TO THE NORTHERN IRELAND EXECUTIVE,
IT WILL BE EXERCISED EITHER BY THE QUEEN IN COUNCIL OR
BY HER MAJESTY' S GOVERNMENT. THERE WILL CEASE TO BE AN
OFFICE OF GOVERNOR OF NORTHERN IRELAND.
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(XXIII) THE BILL WILL INCLUDE FINANCIAL PROVISIONS
OF A STRAIGHTFORWARD CHARACTER DESIGNED TO ACCOMPLISH
AS RAPIDLY AS POSSIBLE THE TASK OF PHYSICAL RECONSTRUCT-
ION, TO CREATE A SOUND BASE FOR THE ECONOMY AND TO HELP
NORTHERN IRELAND ACHIEVE THOSE STANDARDS OF LIVING,
EMPLOYMENT AND SOCIAL CONDITIONS WHICH PREVAIL IN GREAT
BRITAIN.

(XXIV) THE GOVERNMENT WILL DISCUSS WITH THE
NORTHERN IRELAND INSTITUTIONS WHAT ARRANGEMENTS CAN BE
MADE TO PROVIDE THEM WITH A LARGE MEASURE OF FREEDOM TO
DETERMINE EXPENDITURE PRIORITIES.

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(XXV) THE BILL WILL INCLUDE PROPOSALS TO PROVIDE THE INDIVIDUAL WITH THE SAFEGUARDS AND PROTECTION OF A CHARTER OF HUMAN RIGHTS.

(XXVIII) THE BILL WILL PROVIDE FOR THE APPOINTMENT BY THE SECRETARY OF STATE OF A STANDING ADVISORY COMMISSION ON HUMAN RIGHTS.

(XXX) THE GOVERNMENT FAVOURS, AND IS PREPARED TO FACILITATE, THE ESTABLISHMENT OF INSTITUTIONAL ARRANGEMENTS FOR CONSULTATION AND CO- OPERATION BETWEEN NORTHERN IRELAND AND THE REPUBLIC OF IRELAND.

(XXXI) PROGRESS TOWARDS SETTING UP SUCH INSTITUTIONS CAN BEST BE MADE THROUGH DISCUSSION BETWEEN THE INTERESTED PARTIES. ACCORDINGLY, FOLLOWING THE NORTHERN IRELAND ELECTIONS, THE GOVERNMENT WILL INVITE REPRESENTATIVES OF NORTHERN IRELAND AND OF THE REPUBLIC OF IRELAND TO TAKE PART IN A CONFERENCE TO DISCUSS HOW BEST TO PURSUE THREE INTER- RELATED OBJECTIVES. THESE ARE THE ACCEPTANCE OF THE PRESENT STATUS OF NORTHERN IRELAND, AND OF THE POSSIBILITY - WHICH WOULD HAVE TO BE COMPATIBLE WITH THE PRINCIPLE OF CONSENT - OF SUBSEQUENT CHANGE IN THAT STATUS; EFFECTIVE CONSULTATION AND CO-
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OPERATION IN IRELAND FOR THE BENEFIT OF NORTH AND SOUTH ALIKE; AND THE PROVISION OF A FIRM BASIS FOR CONCERTED GOVERNMENTAL AND COMMUNITY ACTION AGAINST TERRORIST ORGANISATIONS.

(XXXII) THE UNITED KINGDOM GOVERNMENT MUST BE ASSOCIATED WITH DISCUSSION OF SUBJECTS TOUCHING UPON ITS INTERESTS.

2. CONCLUSIONS OF THE WHITE PAPER

A. UNDER THE PROPOSED SETTLEMENT, NORTHERN IRELAND WILL CONTINUE TO HAVE A GREATER DEGREE OF SELF-GOVERNMENT THAN ANY OTHER PART OF THE UNITED KINGDOM. WHILE BENEFITTING IN FULL MEASURE FROM ALL THE PRACTICAL ADVANTAGES OF THE BRITISH CONNECTION - FOR THE PROPOSALS EMBODY POLITICAL, FINANCIAL AND ECONOMIC ARRANGEMENTS WHICH ARE IN GENERAL BOTH FLEXIBLE AND GENEROUS - NORTHERN IRELAND WILL CONTINUE, TO A VERY LARGE EXTENT, TO MAKE ITS OWN LAWS AND ADMINISTER ITS OWN SERVICES, PARTICULARLY IN RELATION TO SUCH CRUCIAL ISSUES AS

EMPLOYMENT, HOUSING, DEVELOPMENT OF THE REGIONAL
INFRASTRUCTURE AND EDUCATION.

B. THESE PROPOSALS ARE DESIGNED TO BENEFIT THE
LAW- ABIDING MAJORITY IN BOTH COMMUNITIES, WHO MAY HAVE
CONFLICTING VIEWS ON THE ULTIMATE CONSTITUTIONAL DESTINY
OF NORTHERN IRELAND, BUT WHO SEEK TO ADVANCE THOSE
VIEWS BY PEACEFUL DEMOCRATIC MEANS ALONE, AND HAVE
STRONG MUTUAL INTERESTS IN MAKING SOCIAL AND ECONOMIC
PROGRESS. THE PROPOSALS PROVIDE AN OPPORTUNITY FOR ALL

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SUCH PEOPLE TO STAND TOGETHER AGAINST THOSE SMALL BUT
DANGEROUS MINORITIES WHICH WOULD SEEK TO IMPOSE THEIR
VIEWS BY VIOLENCE AND COERCION, AND WHICH CANNOT,
THEREFORE, BE ALLOWED TO PARTICIPATE IN WORKING
INSTITUTIONS THEY WISH TO DESTROY.

C. TO ALL THOSE WHO SUPPORT THE CONTINUED UNION
WITH GREAT BRITAIN, THE PROPOSALS OFFER FIRM ASSURANCES
THAT THIS UNION WILL ENDURE AND BE DEFENDED, FOR AS LONG
AS THAT IS THE WISH OF A MAJORITY OF THE PEOPLE
OF NORTHERN IRELAND. THEY SEEK TO STRENGTHEN THE
DEMOCRATIC INSTITUTIONS OF NORTHERN IRELAND BY WINNING
FOR THEM THAT WIDE- RANGING CONSENT UPON WHICH THE
GOVERNMENT OF A FREE COUNTRY MUST REST. THEY COMMIT THE
WHOLE UNITED KINGDOM TO A MAJOR EFFORT TO NARROW THE GAP

IN STANDARDS OF LIVING, EMPLOYMENT AND SOCIAL CONDITIONS BETWEEN NORTHERN IRELAND AND GREAT BRITAIN.

D. TO ALL THOSE WHO SEEK THE UNIFICATION OF IRELAND BY CONSENT, BUT ARE GENUINELY PREPARED TO WORK FOR THE WELFARE OF NORTHERN IRELAND, THE PROPOSALS OFFER THE OPPORTUNITY TO PLAY NO LESS A PART IN THE LIFE AND PUBLIC AFFAIRS OF NORTHERN IRELAND THAN IS OPEN TO THEIR FELLOW CITIZENS.

E. TO ALL, WHATEVER THEIR RELIGION OR THEIR POLITICAL BELIEFS, THE PROPOSALS EXTEND EFFECTIVE PROTECTION AGAINST ANY ARBITRARY OR DISCRIMINATORY USE
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OF POWER.

F. THESE, THEN, ARE THE GOVERNMENT' S PROPOSALS TO PARLIAMENT, TO THE COUNTRY, AND ABOVE ALL TO THE PEOPLE OF NORTHERN IRELAND THEMSELVES FOR A WAY FORWARD OUT OF THE PRESENT VIOLENCE AND INSTABILITY. AT EVERY POINT, THEY REQUIRE THE COOPERATION OF THOSE PEOPLE THEMSELVES IF THEY ARE TO HAVE ANY PROSPECT OF SUCCESS. THEY CAN BE FRUSTRATED IF INTERESTS IN NORTHERN IRELAND REFUSE TO ALLOW THEM TO BE TRIED OR IF ANY SECTION OF THE COMMUNITY IS DETERMINED TO IMPOSE ITS WILL ON ANOTHER. IT SHOULD NOW BE PERFECTLY CLEAR THAT THESE ARE PRESCRIPTIONS FOR DISASTER. THE GOVERNMENT BELIEVES, HOWEVER, THAT THE MAJORITY OF THE PEOPLE OF NORTHERN IRELAND HAVE AN OVERWHELMING DESIRE FOR PEACE AND THAT THEY WILL ACCEPT THE OPPORTUNITY WHICH THESE PROPOSALS OFFER.

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